

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ATLANTIC CONSTRUCTION FABRICS,
INC., a Virginia corporation; and GEORGE E.
LOGUE, JR., an individual,

Plaintiffs,

v.

METROCHEM, INC., a Washington
corporation; SPIDER ENVIRONMENTAL,
INC., a Washington corporation; RONI R.
SASAKI; and DEREK A. SASAKI,

Defendants.

Case No. C03-5645FDB

ORDER VACATING EARLIER
ORDER LIFTING STAY AND
REIMPOSING THE STAY OF
PROCEEDINGS IN THIS CASE

Defendants oppose the order lifting stay entered in early May pursuant to a motion by Plaintiffs, who advised that the patent reexamination by the Patent and Trademark Office (PTO) had concluded and that the earlier stipulated stay should be lifted according to the earlier stipulation. Plaintiffs did state that Defendants would be filing for another reexamination of the patent and would not now agree to lift the stay. The stay was wrongly noted, and Defendants did not file a response until after the order lifting stay had been entered.

In their opposition to the motion to lift the stay, Defendants state that they have submitted new evidence to the PTO requesting that the patent again be reexamined. The new evidence,

1 according to Defendants, cures an evidentiary deficiency. Plaintiffs have submitted no reply to this
2 argument. Accordingly, for the reasons submitted by Defendants, the earlier order will be vacated
3 the stay will remain in place .

4 IT IS ORDERED: The Order Granting Motion To Life Stay [Dkt. # 67] is VACATED and
5 the STAY earlier imposed in this case SHALL REMAIN IN EFFECT until the reexamination
6 process as described by Defendants is finally concluded.

7 DATED this 26th day of May 2006.

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10 FRANKLIN D. BURGESS
11 UNITED STATES DISTRICT JUDGE
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